

COURT NO. 1  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA 1473/2022 WITH MA 1919/2022

Sgt Amar Lal (Retd) ..... Applicant  
Versus  
Union of India & Ors. .... Respondents  
For Applicant : Mr. Ramniwas Bansal, Advocate  
For Respondents : Mr. V Pattabhiram, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER

MA 1919/2022

Keeping in view the averments made in the application and in the light of the decision in Union of India and others Vs. Tarsem Singh [(2008) 8 SCC 648), the delay in filing the OA is condoned. MA stands disposed of.

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2. Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act 2007, the applicant has filed this application and the reliefs claimed in Para 8 read as under:

- (a) *To quash and set aside the applicant's RMB proceedings to the extent the order denies grant of disability element of pension of the applicant.*
- (b) *To set aside the impugned order and direct the respondents to grant the disability element of pension@30% broad 50% along with*

*arrears & interest @12% p.a. w.e.f. date of discharge, by treating disease as attributable to and aggravated by military service along with all consequential benefits, in view of the Hon'ble Apex court judgment in Rajbir Singh (supra) and Dharmvir Singh (Supra).*

3. The applicant was enrolled in the Indian Air Force on 24.03.1984 and discharged from Air Force Service on 31.03.2016 after rendering more than 32 years of regular service. The applicant submits that for the purpose of Primary Hypertension, the disability has been assessed @ 30% as is evident from the release medical records.

4. Keeping in view the consistent stand taken by this Tribunal based on the law laid down by the Hon'ble Supreme Court in the case of Dharamvir Singh Vs. Union of India and others (2013) 7 SCC 316 that Primary Hypertension may arise even in a peace area due to stress and strain of service, we see no reason not to allow the prayer of the applicant with regard to the disability Primary Hypertension, which has been assessed by the Release Medical Board @ 30%.

5. Accordingly, we allow this application and direct the respondents to grant disability element of pension to the applicant for Primary Hypertension @ 30% for life which be rounded off to 50% for life from the date of retirement,

i.e., 31.03.2016 in terms of the judicial pronouncement of the Hon'ble Supreme Court in the case of Union of India Vs. Ram Avtar (Civil Appeal No. 418/2012) decided on 10.12.2014. However, the arrears shall be restricted to three years prior to the date of filing of OA. [Date of filing of OA: 11.07.2022]. The arrears shall be disbursed to the applicant within four months of receipt of this order failing which it shall earn interest @ 6% p.a. till the actual date of payment.

6. Accordingly, the respondents are directed to calculate, sanction and issue necessary PPO to the applicant within four months from the date of receipt of copy of this order, failing which, the applicant shall be entitled to interest @ 6% per annum till the date of payment.

7. No order as to costs.

8. Pending miscellaneous application, if any, stands closed.

Pronounced in the open Court on 6<sup>th</sup> day of August, 2024.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[LT GEN C.P. MOHANTY]  
MEMBER (A)

Ps

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